



10-17-06

IAP13 Rec'd PCT/PTO 16 OCT 2006

PATENT

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7

Serial No: 10/566,903  
Filed: August 5, 2004  
Applicant: Hershey  
Title: **GENETIC MARKERS OF FOOD ALLERGY**  
Art Unit: Unknown  
Examiner: Unknown  
Conf. No.: 1134  
Atty Doc.: CMC-170

Cincinnati, OH

October 16, 2006

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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Kenneth Eads

Name of person mailing paper or fee

Kenneth Eads

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**Enclosures:**

Certificate of Express Mailing EV 740180211 US  
Response to Notice of Missing Parts  
Executed Declaration and Power of Attorney  
Copy of Notice to file Missing Parts  
Sequence listing on a computer readable form (**compact discs in duplicate**)  
Paper copy of Sequence listing  
Check in the amount of \$ 290.00 for Surcharge fee for Response to Missing Parts and two-month extension of time.  
Return post card

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE OF MISSING PARTS**

In response to the Notice to File Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed on June 14, 2006, enclosed is a copy of such Notice, and the executed Declaration as requested.

Applicants do not believe that any fees are due in connection with this response other than the surcharge fee (\$65) and a two-month extension of time fee (\$225); a check is enclosed for the total amount of \$ 290.00. Should any further fees be required, authorization is given to charge (or credit any overpayment to) Deposit Account No. 23-3000.

10/23/2006 ATRAN1 00000114 10566903

01 FC:2617

65.00 OP

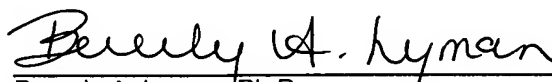
10/23/2006 ATRAN1 00000114 10566903

02 FC:2252

225.00 OP

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



Beverly A. Lyman, Ph.D.

Reg. No. 41,961

2700 Carew Tower  
441 Vine Street  
Cincinnati OH 45202  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/566,903	Gurjit K. Khurana Hershey	CMC-170

INTERNATIONAL APPLICATION NO.
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PCT/US04/25370

I.A. FILING DATE	PRIORITY DATE
08/05/2004	08/05/2003

26875  
 WOOD, HERRON & EVANS, LLP  
 2700 CAREW TOWER  
 441 VINE STREET  
 CINCINNATI, OH 45202

CONFIRMATION NO. 1134

371 FORMALITIES LETTER



\*OC000000019254764\*

Date Mailed: 06/14/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/02/2006
- Copy of the International Search Report filed on 02/02/2006
- Copy of IPE Report filed on 02/02/2006
- Information Disclosure Statements filed on 02/02/2006
- Oath or Declaration filed on 02/02/2006
- Copy of references cited in ISR filed on 02/02/2006
- U.S. Basic National Fees filed on 02/02/2006
- Priority Documents filed on 02/02/2006
- Power of Attorney filed on 02/02/2006
- Specification filed on 02/02/2006
- Claims filed on 02/02/2006
- Abstracts filed on 02/02/2006

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 26875

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

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Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/566,903	PCT/US04/25370	CMC-170

FORM PCT/DO/EO/905 (371 Formalities Notice)